

FILED



1:07 pm, 12/1/22

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

WILLIAM MICHAEL "MIKE"
CROTHERS, et al.,

Plaintiffs,

vs.

TETON COUNTY BOARD OF
COUNTY COMMISSIONERS et. al.,

Defendants.

Case No. 22-CV-0028

ORDER GRANTING IN PART AMENDED MOTION TO FILE SUMMARY
JUDGMENT MEMORANDUM IN EXCESS OF TWENTY-FIVE PAGES AND
REQUEST TO BE ALLOWED TO FILE THE MOTION FOR SUMMARY
JUDGMENT WITH THE MEMORANDUM UNDER SEAL

THIS MATTER comes before the Court on Defendants Erin Weisman in her official and individual capacity, Clark Allan in his individual capacity and Teton County Prosecutor's Office, Amended Motion to File Motion for Summary Judgment and Memorandum in Support of Motion in Excess of Twenty-five Pages and Motion to File under Seal. ECF 113.

The Court having reviewed the file and good cause appearing, grants the request to file excess pages.

However, the public has a First Amendment right of access to the Court's proceedings and the request to file under seal does not appear narrowly tailored to the stated

confidentiality interest. *See Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606–07 (1982); *United States v. McVeigh*, 119 F.3d 806, 814 (10th Cir. 1997).

Defendants state that the motion “addresses matters that are subject to the protective order entered into by this Court. In addition, they address a matter which is currently pending in the Wyoming Juvenile Justice System.” ECF 113.

As an initial matter, the stated interests appear more appropriately served by filing the motions as non-public rather than as under seal under the Court’s procedures and definitions. Paragraph III.P. of the CM/ECF Procedures Manual explains the difference. https://www.wyd.uscourts.gov/sites/wyd/files/cmprocmanual_0.pdf. Among other things, non-public documents are electronically filed and available only to parties to the case while sealed documents are filed conventionally and not available to anyone, even the filing party, without the Court’s permission.

Additionally, the public should have access to those portions of record that are not confidential - particularly considering the importance of the Public’s interest at the dispositive-motion stage of litigation,. An entire filing should not be sealed or non-public to protect the secrecy of a portion of the motion or an exhibit. Whenever possible, redacted versions of non-public or sealed filings should be filed publicly. See Robert Timothy Reagan, *Sealing Court Records and Proceedings: A Pocket Guide* (Federal Judicial Center) (2010) at 21.

Accordingly, the Court grants in part and denies in part the request to file under seal and prescribes the below limitations.

IT IS HEREBY ORDERED:

1. Movants are granted leave to file a joint excess length brief not to exceed twenty-nine pages.
2. Movants may file their motion and memorandum, together with exhibits requiring confidentiality as non-public documents. The movants shall publicly file redacted versions of the motion and memorandum no later than December 6, 2022.
3. Defendants' initial motion on the matter, ECF 110, is dismissed as moot.

DATED this 1st day of December, 2022.



NANCY D. FREUDENTHAL
UNITED STATES SENIOR DISTRICT JUDGE